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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,757	12/21/2001	Alison J. Lennon	169.2260	3065
5514	7590	04/18/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			HU, JINSONG	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	

2154

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/023,757	<b>Applicant(s)</b> LENNON, ALISON J.	
	<b>Examiner</b> Jinsong Hu	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 1/23/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 1-14, 17-36, 39-46, 48 and 54-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-16, 37-38, 47-53 and 57-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. Claims 15-16, 37-38, 47, 49-53 and 57-63 are presented for examination. Claims 15, 37, 47 and 49-53 have been amended. Claims 57-63 are newly added claims.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 15-16, 37-38, 47, 49-53 and 57-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Crandall et al. (US 6,321,228).
4. As per claim 15, Crandall teaches the invention as claimed including a method of forming a searchable list of network locations within a computer network, said method comprising at a server within the network, the steps of:  
  
monitoring bookmarking activities of a plurality of subscribers to the server,  
  
wherein said bookmarking activities record network identifies corresponding to certain ones of said network locations [col. 2, lines 50-53; col. 6, line 64 – col. 7, line 3];

forming a list of the network identifiers bookmarked by individual ones of said subscribers [col. 2, lines 10-24 & 35-38; col. 6, lines 44-51; col. 3, lines 4-22; col. 7, lines 4-40];

ordering said network identifiers in said list according to a frequency of bookmarking by said subscribers [col. 2, lines 24-30; col. 6, lines 24-25; col. 8, lines 13-27];

identifying from the said list a first predetermined number of highest ordered identifiers, identifying from the said list a second predetermined number of lower ordered identifiers and inserting the identified lower ordered identifiers amongst the highest ordered identifiers to thereby form the searchable list [ col. 5, line 65 – col. 6, line 29].

5. As per claim 16, Crandall teaches the step of monitoring accesses by individual ones of said subscribers to said network identifiers within said list to modify said frequency; and re-ordering said list according to said modified frequency [col. 7, lines 4-29].

6. As per claims 37-38, since they are computer program claims of claims 15-16, they are rejected for the same basis as claims 15-16 above.

7. As per claim 47, since it is an apparatus claim of claims 15-16, it is rejected for

the same basis as claims 15-16 above.

8. As per claim 49, Crandall teaches the invention as claimed including a browser application for operation upon a subscriber terminal, said application comprising means for signaling, to a server to which said application couples, a bookmarking of a location accessed by said application, said location being within a computer network incorporating said server [col. 5, lines 7-22].

9. As per claims 50-52, Crandall teaches the invention as claimed including a server operating within a computer network, said server executing an application and interacting with at least one user browser application wherein said user browser application is constructed to access network locations within said network [col. 5, lines 7-22], said server application comprising:

means for receiving from said user browser application, bookmark information relating to at least one of said network locations recorded for subsequent access by said user browser application [col. 3, lines 4-22];

means for integrating said bookmark information received from plural ones of said user browser application to form a database of said bookmark information [col. 7, lines 4-40];

means for forming a list of selected network locations from the database [col. 6, lines 11-13];

means for ordering said selected network locations in said list according to a frequency of bookmarking by said plural ones of said user browser application [col. 2, lines 24-30; col. 6, lines 24-25; col. 8, lines 13-27];

means for identifying from the said list a first predetermined number of highest ordered identifiers, means for identifying from the said list a second predetermined number of lower ordered identifiers and means for inserting the identified lower ordered identifiers amongst the highest ordered identifiers to thereby form the searchable list [ col. 5, line 65 – col. 6, line 29].

10. As per claim 53, Crandall teaches the bookmark information further comprises a count of a number of accesses to each said network location [col. 6, lines 15-20].

11. As per claim 57, Crandall teaches the second predetermined number of identifiers are randomly identified [col. 5, lines 43-64].

12. As per claims 58 and 63, Crandall teaches the second predetermined number of identifiers are randomly inserted amongst the first predetermined number of identifiers in said list [col. 5, line 65 – col. 6, line 16; i.e., the search list is created by combining selected predetermined number of identifiers, which are selected based on their score and priority].

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13. As per claim 59 and 61, Crandall teaches the second predetermined number of identifiers is influenced by a parameter received from at least one said plurality of subscribers [col. 6, lines 25-26; i.e., rating by other users].

14. As per claims 60 and 62, Crandall teaches the parameter determines at least the second predetermined number of identifiers [col. 6, lines 25-26; i.e., rating by other users].

### ***Conclusion***

15. Applicant's arguments with respect to claims 15-16, 37-38, 47, 49-53 and 57-63 have been fully considered but they are not deemed to be persuasive.

16. In the remarks, applicant argued in substance that Crandall does not teach forming a search list through inserting of lower ordered identifiers amongst highest ordered identifiers.

17. Examiner respectfully traverses applicant's remarks:

Applicant fails to consider the teaching of Crandall's reference for creating a search list by combining the selected identifiers based on their priority and score in the database [col. 5, line 64 – col. 6, line 29], i.e., forming a search list through inserting of lower ordered identifiers amongst highest ordered identifiers. Thus, Crandall does teach the newly added limitations in the claims.

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18. Accordingly, THIS ACTION IS MADE FINAL. See MPEP §706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.



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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

April 11, 2006

  
JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
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